Mr. Nedumangad R. Kesavan Nair: I demand a poll.

A poll was taken with the following results:

AYES—12.

1	Mr. Kottur Kunjukrishna Pillai		7	Mr. K. K. Kuruvila	
2	,,	K. R. Elankath	8	,,	R. V. Thomas
3	,,	Nedumangad R. Kesavan Nair	9	,,	T. K. Kittan
4	,,	M. S. Anirudhan	10	,,	A. Esvara Pillai
5	,,	K. M. Korah	11	,,	Kochikal P. Balakrishnan Tampi
6	,,	N. V. Chacko	12	,,	Kallur Narayana Pillai

NOES—17

1	Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai		9	Rajyarakshapravina R. C. I. C. Pitchu Aiyangar	
2	Mr. C. O. Madhavan		10	Mr. P. R. Goda Varma Raja	
3	Rao Bahadur A. Rengaswami Aiyar		11	,,	M. K. Ananthasiva Aiyar
4	Mr. R. Dhannkoti Pillai		12	,,	V. S. Arumukham Pillai
5	,,	G. B. E. Truscott	13	,,	G. Narayana Aiyar
6	,,	Kayalam Parameswaran Pillai	14	Mrs. Abernam Gnanasikhamany	
7	,,	C. Kumara Das.	15	Mr. M. Govindan	
8	,,	James Simpson	16	,,	Eric Hall
			17	,,	P. I. Simon

NEUTRALS—4.

1	Mr. James Fletcher		3	Mr. Abdul Tayeb Shaikh Kaderbhoy	
2	,,	Padiyara Joseph Kunju	4	,,	T. Mahomed Ismail

The resolution was declared lost, 12 voting *for* the resolution, 17 *against* and 4 remaining *neutral*.

COMMITTEE TO CHECK CORRUPTION AMONG GOVERNMENT SERVANTS.

Mr. K. R. Elankath: Sir, I have the following resolution,

"This Council recommends to the Government that a secret vigilance committee be appointed directly under the control and supervision of the Dewan with a view to check corruption among Government servants."

Sir, the object of my resolution is to bring to the notice of Government, the fact that there exists corruption in many departments of State and that direct enquiry should be made by the head of the

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administration to whom the public look up to for good administration conducive to peace and safety in the State. Complaints are made against officers in many departments ; and enquiries are usually conducted by the departmental heads. For example, if complaint is made against a Tahsildar, the Revenue Commissioner directs the Peishkar to make enquiries, who in his turn sometimes directs the Assistant Peishkar to conduct the enquiry. In the course of the enquiry it may happen that one or other of the officers may be interested in the delinquent. And they fail to report correctly the rusult of the enquiry regarding the charges alleged against the officers. So also in the case of the Police Department where corruption is very rampant. It is very difficult to find out officers who are not corrupt especially in the Police Department. It is a Department where officers are empowered to do all sorts of things summarily and as such they have the greatest convenience to receive bribes and be shielded from being discovered. What is usually done when a complaint is made to the Commissioner is to forward it to the D. S. P. who in his turn forwards it to the A. S. P. who goes to the spot for enquiry. Probably the A. S. P. and the Inspector might have been colleagues and friends but a few months back. It is such an officer who makes the report on which a final decision is made by the Commissioner. I know of many murder cases which have been hushed up by Inspectors after receiving bribes. I do not deem it proper to bring any instance of the kind to the notice of the House now. But I can point out any number of instances to Government. I only state this to show that a departmental enquiry cannot be relied upon by the Government and the Public generally because the departmental authorities would desire to safeguard the false prestige or vanity of their subordinates. The Police Commissioner would consider that it would not be creditable to him or the department to admit that his A S. P. or D. S. P. is corrupt. My view is that he should take more into consideration the safety of the public and the country at large than the false vanity of his subordinates. I only referred to this as an instance. I have not failed to bring to the notice of Government cases of corruption in the Revenue Department during the last session of the Council.

I am referring to this question by means of the resolution to show that Government do not get an impartial view of things at present when enquiries are said to be made against corrupt officers. Sir, there are many Tahsildars today who postpone auction sales on receiving bribes, who suspend coercive measures on proper fee and who transfer Proverthicars for adequate consideration. I know many instances of the kind. We the representatives of the

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[Mr. K. R. Elankath.]

people hesitate generally to bring all these to the notice of Government because we are not confident that Government will adequately, deal with the persons. When there is no proper remedy forthcoming the representatives of the people are also seen to be careless of their duties and feel pessimistic about the success of their labours. My object in bringing forward this resolution of a secret committee is that the personnel of those who make these enquiries should not be known to the public or even to the heads of departments concerned.

Mr. M. Govindan: May I ask the honourable member whether he is sure that there is no such committee functioning now? He wants the committee to work secretly. Is he sure that there is no such committee now?

Mr. K. R. Elankath: I am sure that there is no such committee now? A secret committee means that their personnel should not be known outside.

Mr. M. Govindan: Does he want it to be a non-official committee or an official committee?

Mr. K. R. Elankath: I would always prefer an official committee. For, an official committee will be more responsible to the head of the administration than a non-official committee which may have no direct responsibility to him.

The most important thing to be attended to in this connection is the selection of the personnel of the committee. The members of the committee should not themselves be corrupt and should not be amenable to questionable ways and should not unduly patronise any officer or unnecessarily find fault with some others. They should possess unimpeachable character. With these words I commend this resolution to the acceptance of the House.

Mr. Nedumangad R. Kesavan Nair: I second it.

Rao Bahadur Rajyasevanirata Dr. N Kunjan Pillai: Sir, when I read this resolution I was under the impression that my friend, Mr. Elankath, wanted a non-official committee to be appointed. But, in the course of his speech he said that he wanted only an official committee. The honourable member has stated that corruption is rampant in all the departments. I think there is a great deal of exaggeration in the statement. There may be corruption. There may be blacksheep not only in Travancore but elsewhere too. But whether the departments deserve the high condemnation which Mr. Elankath has indulged in I really doubt.

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I may inform the honourable members that the Government are doing all that is possible to put down corruption. It may be that Government are not taking action on flimsy grounds. When Government get intimation of corruption or any irregularity on the part of a Government officer, they make proper enquiries and give an opportunity to the persons who have made the allegations to prove them. They also give a chance to the officers concerned to explain their conduct. They weigh the evidence on both sides and then decide the question. It is not fair to the officers to allow their fate to hang on the report made by a secret committee, a body of espionage. Government should not take action solely on the report of such a committee. We have heard so much, both in this House and elsewhere, of communal partiality shown by officers in meting out justice to the parties who complain to them. If this is the case in dealing with petitions presented to officers what guarantee is there that the secret committee working behind the back of officers will not be biassed by communal considerations. The officers concerned may be innocent and if decisions are made by Government on the reports of the secret committee against such officers, it is very dangerous to the security and safety of the services. It seems to me that Mr. Elankath's suggestion is thoroughly impracticable. It is not a suggestion which would be carried out without ruinous consequences to innocent officers. I may assure the honourable member that, when information is received by Government about the conduct of an officer, his corruption or other irregularities, due notice will be taken, proper enquiries made and the delinquents punished ?

The honourable member may be aware of instances of false charges for which evidence was not forthcoming. In the absence of evidence it is not fair on the part of Government to punish an officer, merely because an accusation has been made against him by an honourable member of this House or by any other person. Sir, in another House very serious charges were once levelled against an officer of the Education department by an honourable member of that House. Government enquired into the matter and gave an opportunity to the member himself to prove them. In the end, the matter had to be dropped because no reliable evidence was forthcoming. It is certainly necessary to give a chance to the officers themselves to explain their conduct before they are condemned.

Mr. K. R. Elankath : Is it the member's idea that it should be possible to get legal evidence ? Could not a moral evidence be taken note of ?

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Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: If there is at least circumstantial evidence and a moral conviction though not legal evidence action will be taken by Government. In the absence of even circumstantial evidence, I think it is very hard to punish an officer. Hence, I cannot see my way to accept the resolution.

President: I think that the resolution, as worded, is practically impossible to implement. As the question that has been raised is an important one, I think it is essential that I should say just a few words on this matter. As has been observed by the honourable member the Chief Secretary who spoke last, when assertions are made on the floor of this House or elsewhere that particular officers or persons belonging to a department are corrupt, then the Government has a right to expect that such assertions are made on the basis of some evidence, legal or circumstantial. The Government have unfortunately found that in some instances where specific allegations of corruption were made against officers when honourable members who made those charges were requested to give evidence, either legal or circumstantial, to substantiate those allegations, they were unfortunately not in a position to do so. And therefore, apart from the fact that these unfortunate officers had been pilloried on the floor of the legislature, nothing was done. The honourable members are aware that in the Punjab, the Chief Justice has adopted a simple rule as to Judicial officers. There was a great deal of alleged corruption in the Punjab judiciary. So the Chief Justice came to the conclusion that, if he went on studying carefully the judgments of particular officers against whom such suspicion arose, the truth could be known. It is possible in judicial matters, on reading ten judgments in important cases to find whether there has been such a perversity or divergence from the evidence as to make the suspicion well founded. Apart from that, there may be cases of circumstantial evidence. Supposing any one were suddenly confronted one day with the charge of corruption. He asks the question, "What is the proof?' Nothing is forthcoming. When such is the case, it would be most unfortunate if he were to feel that the security of his tenure was in jeopardy. At the same time, one thing is certain. The Government are alive to this evil. But when some member of the public makes a charge, the Government expect him to be ready to substantiate it. If the charges are substantial to a certain extent Government can proceed, and I think honourable members may be reminded that they have proceeded very definitely and speedily in certain cases. But if no evidence is forthcoming and if after having made these charges nothing else follows, what is the alternative before the Government except to drop the matter.

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Honourable members should educate their constituents to be absolutely fearless in the exposure of corruption, fearless to the extent of making the facts public and even facing criminal proceedings. It is in that way that the ultimate improvement of the morale of the services may come about.

Mr. K. R. Elankath: Before withdrawing the resolution I beg to submit one word. In the case of some of the officers who are really corrupt I am prepared to adduce evidence on personal authority, and get statements from parties who bribe them, provided, the head of the administration will promise to shield them; for according to law he who bribes is also subject to punishment. If that is guaranteed, corrupt practices of many officers can be brought to light. I beg to withdraw the motion.

The resolution was, by leave, withdrawn.

The following resolutions were not moved.

Restoration of the A. V. M. Canal.

MR. K. R. ELANKATH: This Council recommends to the Government that the A. V. M. Canal be restored.

Importation of outsiders into State Service.

MR. K. R. ELANKATH: This Council recommends to the Government that outsiders be not imported into the State service except when there is deal dearth of qualified Travancoreans for particular posts.

Levy of regular school fees.

MR. G. NARAYANA AIYAR: This Council recommends to the Government that regular school fees be received from the guardians or parents of students who are studying in the elementary classes of the Government schools whose (guardians' or parents') income per mensem is Rs. 100 or more and the necessary modification be made in the rules.

President: The business of the House having finished, the House is now adjourned *sine die*.

The Council adjourned *sine die* at 4. 13 p. m.

E. I. CHACKO,
Secretary to the Sri Chitra State Council.

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